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Suit alleges ER misdeeds

Posted: Sunday, Feb 25, 2007 - 12:34:39 am MST

By CANDACE CHASE



Dr. Scott Rundle is shown in June 2006 outside the emergency room at Kalispell Regional Medical Center. Rundle has filed a multimillion-dollar lawsuit against Silvertip Emergency Physicians, the company that provides doctors for the emergency room. Karen Nichols file photo/Daily Inter Lake

The Daily Inter Lake

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Dr. Scott Rundle filed the legal action, which includes allegations that Silvertip's physicians covered up another physician's alcohol abuse, ignored Rundle's concerns over patient-care quality and made referrals more for financial gain than for patient care.

Rundle requests more than \$16 million in compensation.

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Rundle, 39, was a member of Silvertip until October. He became celebrated

in the Flathead as the emergency-room physician who refused to give up on reviving 3-year-old drowning victim Jacob Felghtner in 2004. The boy recovered after two hours of clinical death.

Rundle also served as medical director of Kalispell Fire and Ambulance Service, Flathead County EMS Service, Marion Ambulance Service and Flathead Valley Community College's paramedical program.

In the lawsuit, Rundle alleges Silvertip physicians defamed his character, reputation and clinical competence. He said he was "coerced into providing Silvertip with his resignation" on Oct. 12, 2006. He maintains their motive was retaliation for the concerns he raised over patient care and his refusal to go along when another physician was targeted and pushed out of the group.

The suit names Dr. Keith Lara, director of the corporation, and eight other unnamed members of Silvertip.

Kalispell Regional Medical Center was not named as a party to the lawsuit.

According to the lawsuit, Silvertip members allegedly falsely accused Rundle of using illegal drugs, writing illegal prescriptions and refusing to answer pages while on duty.

The physician also said in the suit that Silvertip physicians made false allegations that he sexually harassed nurses and other staff and that he had contracted and then transmitted herpes to at least two medical center employees.

He claimed in the court filing that he was the victim of false allegations that he had engaged in inappropriate sexual behavior with another member of the staff while on duty at Kalispell Regional Medical Center.

The suit charges that all the rumors and allegations were false and that the Silvertip defendants knew they were lies.

"These allegations have, as designed, spread not only throughout the KRCM medical community, but to the entire medical community in Western Montana," the suit says.

Rundle was hired by Silvertip in July 2000. According to the lawsuit documents, he and other Silvertip physicians each earned about \$300,000 in 2005, compared to other emergency-room doctors within a 120-mile radius earning from \$90,000 to \$150,000.

According to the suit, Kalispell Regional Medical Center pays Silvertip 70 percent of the gross dollars billed for services rendered by the group's emergency-room doctors.

Since leaving Silvertip, Rundle has worked part time, earning about \$90,000 per year, as an emergency room physician in the Flathead Valley and Poison area.

Attorney Scott Hilderman of Johnson, Berg, McEvoy & Bostock of Kalispell represents Rundle and filed the lawsuit in Flathead County District Court. Hilderman would not comment except to say that he has specific facts and evidence to back up every allegation in the suit.

The lawsuit states that Rundle first noticed substantial changes in his treatment after he voiced numerous concerns about the quality of patient care provided by Silvertip.

These concerns included the removal of an emergency-room physician from Silvertip for "inappropriate and personal reasons" including that his personal appearance, which included a beard, was not up to par.

According to Rundle, the doctor, who isn't named to protect his privacy, was forced out in 2003 after unsubstantiated allegations that he used marijuana and had "an adverse trend" in his clinical care.

The lawsuit claims that the Silvertip physicians were led to believe that Velinda Stevens, the medical center's chief executive officer, wanted the physician removed from the group for "substandard patient care or disruptive behavior."

Rundle said this ER doctor was nearly always the highest-ranked Silvertip physician based on patient surveys. Because he didn't believe the allegations, Rundle asked to make an independent review of the doctor's patient charts.

"Rundle was warned by several group members that this was a bad idea and that he should go along with the vote to terminate Doctor's status with Silvertip to 'protect himself,'" the suit says.

In spite of the warnings, Rundle reviewed the charts of 17 patient cases in question and concluded the allegations of substandard care had no merit.

He then presented his findings to other members of Silvertip, but said all the members of the group refused to review the findings. Some expressed anger at Rundle for investigating the charges.

At that meeting, he was told that Stevens still wanted the physician removed and that he could call her himself. Rundle did call her and allegedly was told that the medical center had no concerns about the physician's work, but the other Silvertip members allegedly refused to believe him.

At a subsequent meeting, Rundle voted to retain the doctor but others voted to remove him, saying that he was "a bad and dangerous doctor." But the group allowed him to work for four more months so other physicians didn't have to work additional shifts.

Rundle also claims he raised concerns that doctors at Kalispell Regional Medical Center were pressured to admit patients into HealthCenter Northwest rather than the nonprofit medical center when it wasn't in the patients' best interests.

Rundle said in the filing that the health center (which is licensed as a private hospital) "does not provide the same level of care for patients as KRMC." However, the Silvertip physicians, as investors in HealthCenter Northwest, receive quarterly payments from net receipts.

In another potentially damaging allegation, Rundle claims in the lawsuit that Silvertip had retained a physician with a drinking problem.

"While on duty for KRMC, this emergency room physician overdosed on alcohol and was admitted into the emergency room as a patient and placed on a mechanical ventilator for two days."

Rundle claims that the incident was ordered "covered up" by Silvertip members. He said he was warned not to speak about the episode.

In the lawsuit, Rundle alleges that Silvertip members misused their peer review process to cover up malpractice by its physician as well as to attack other physicians for personal reasons.

The dispute involving Rundle came to a head at an Oct. 11 meeting of all Silvertip members. According to the lawsuit, Stevens, the medical center CEO, appeared at the beginning of the mediation and requested that Silvertip move beyond the dispute and recommended that Lara resign his position as director of Silvertip. Stevens then left the room.

After that, the lawsuit says, Lara restated the accusations about drug use, illegal prescriptions, refusal to answer pages and inappropriate sexual conduct.

"Defendants also falsely accused Rundle of an inappropriate relationship with a female firefighter while serving as (medical) director of Kalispell Fire and

Ambulance Service," the suit said.

The suit reports that Lara then said that Rundle had put the group's contract with the medical center in jeopardy and that Rundle had put the group at risk for a sexual harassment claim.

Rundle claims he was then given a choice of getting fired, resigning or going into rehab. When he asked rehab for what, he said none of the members would give him a specific problem.

The lawsuit's specific charges against the Silvertip group include defamation, intentional infliction of emotional stress, civil conspiracy, wrongful discharge and breach of contract.

Rundle requests direct damages of \$5.4 million, \$800,000 for wrongful discharge, consequential damages "in an amount to be proven at trial," and punitive damages of \$10 million.

Reporter Candace Chase may be reached at 758-4436 or by e-mail at cchase@dailyinterlake.com

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